

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Mason Therriault

v.

Case No. 23-cv-449-SE

Northern NH Correctional Facility

ORDER

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Talesha L. Saint-Marc dated December 12, 2024 (doc. no. 17). Except as stated therein and for the reasons explained therein, the claims stated in the Complaint and Addenda (doc. nos. 1, 6, 8, 9, 10, 11, 13, 14, and 15) are dismissed, and all of the defendants named by the plaintiff are dropped as parties including all of the official capacity claims, leaving in this case only the following claims for damages asserted against defendants in their individual capacities under 42 U.S.C. § 1983: the Fourth Amendment strip search claim, asserted against NCF Sgt. Arnold and CO Cyr, Sr. (Claim 1); the Eighth Amendment claim of inadequate medical care arising from the six-month delay in prescribing hypertension/lock-jaw medication, asserted against Director Mattis (Claim 2); the Eighth Amendment claim of sleep disruption arising from the nighttime hourly slamming of doors, asserted against Cpl. Burke (Claim 3); and the First Amendment claim of retaliatory discipline, asserted against CO Ratliff (Claim 4).

"[O]nly those issues fairly raised by the objections to the

magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal." Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quotation omitted); see United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

SO ORDERED.



Samantha D. Elliott
United States District Judge

Date: April 2, 2025

cc: Mason Therriault, pro se
Counsel of Record